

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2763

United States of America,

Appellee,

v.

Lamarr Dremell Parks,

Appellant.

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On remand for reconsideration
from the United States Supreme
Court.

[UNPUBLISHED]

Submitted: March 27, 2008

Filed: July 11, 2008

Before BYE, RILEY, and MELLOY, Circuit Judges.

PER CURIAM.

After our earlier decision in United States v. Parks, 238 Fed.Appx. 187 (8th Cir. 2007) (Parks I), the United States Supreme Court vacated and remanded this case for reconsideration in light of Kimbrough v. United States, 552 U.S. ___, 128 S. Ct. 558 (2007). Parks v. United States, 128 S. Ct. 1301 (2008). Pursuant to Kimbrough, “the cocaine Guidelines, like all other Guidelines, are advisory only” 128 S. Ct. at 564.

At sentencing, Parks maintained his argument the district court should impose a sentence below the Guidelines range on the basis of the crack/powder cocaine ratio. The record also demonstrates the district court would have, if permitted to do so,

considered the impact of the crack/powder ratio on Parks's sentence. We therefore vacate the sentence and remand to the district court for reconsideration in light of Kimbrough. See also United States v. Spears, ___ F.3d ___, 2008 WL 2485329, at *1 (8th Cir. June 23, 2008) (en banc).
